

REMARKS**Amendments to the Drawings and the Specification.**

5 Replacement sheets 2 and 3 of the drawings are submitted herewith, and corresponding amendments have been made to the description of the drawings in the specification. Applicant recognizes that it will be desirable, even if it is not strictly necessary, to provide drawings of better quality, and will do so when agreement has
10 been reached on the claims.

Amendments to the Claims

The claims have been amended, and new claims added, to define the invention more completely. These amendments have been made in the interests of
15 speedy prosecution, and without prejudice to Applicant's right to prosecute different claims in one or more continuing applications.

Summary.

The first independent claim, claim 17, has been amended to state (1) that the container is a shipping container which can be loaded onto and transported by
20 ship or a truck (see page 16, line 6-7 ~~page 17, lines 5-6~~, for basis) and (2) that the module was constructed separately from the shipping container (see page 19, line 21 ~~page 20, line 19~~, for basis).

In the claims dependent on claim 17, which relate to preferred features, Claim 18 has been amended to require the presence of sensors which are in the
25 inner atmosphere and whose input changes the rate at which the second atmosphere is supplied; Claim 22 no longer defines the shape of the chamber, but requires flexible conduits which connect to the inlet and outlet of the module; Claim 23 no longer defines the shape of the chamber, but requires that the ACM is a
30 microporous film having a coating of a side chain crystalline polymer, and has an oxygen P 10 ratio of at least 1.3; and Claims 25-28 and 33 have been amended to place additional requirements on the ACMs in the module.

The second independent claim, claim 34, is no longer directed to a method of "making a shipping container as defined in claim 17", but rather to a method of loading a shipping container (thus avoiding any possible implication that the method actually constructs a shipping container), and recites the various restrictions which were implied by the words "as defined in claim 17". In addition, claim 34, like amended claim 17, requires that the container is a shipping container which can be loaded onto and transported by ship or a truck and that the module was constructed separately from the shipping container.

The amended claims dependent on claim 34, and the new claims 38-44 dependent on claim 34, relate to preferred features similar to those in the claims dependent on claim 17, and also, in new claims 40-42, to the presence of an auxiliary closed chamber which is different from the closed chamber of the module.

New independent claim 45 is directed to a method of unloading a loaded shipping container, the loaded shipping container being defined as in amended claim 17. The method of claim 45 comprises the steps of (A) unsealing the enclosure around the respiring biological material, (B) after step (A), removing the module from the enclosure, and (C) after step (B) unloading the respiring biological material. Basis for claim 45 is, for example on page 20, lines 10-13-21, lines 8-14.

New claims 46-54, dependent on claim 45, relate to preferred features similar to those in the claims dependent on claim 34.

New independent claim 55 is directed to a shipping container which contains the limitations of amended claim 17, and requires in addition the presence of an auxiliary closed chamber which is different from the closed chamber of the module. For the avoidance of doubt, it is noted that in claim 55, and likewise in the dependent claims requiring an auxiliary closed chamber, the primary second atmosphere and the auxiliary second atmosphere can be the same or different; for example, both can be air, or one can be air and the other oxygen enriched air.

New claims 56- 60, dependent on claim 55, relate to preferred features similar to those in the claims dependent on claim 34.

Basis for the claim features.

Basis for the various features introduced in the amended claims is shown in the table below. The claim numbers in bold are the independent claims.

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Claim #	Feature (summarized)	Basis
17, 34, 45, 55	(1) shipping container which can be loaded onto and transported by a ship or a truck	page <u>16</u> , lines <u>6-9</u> , <u>47</u> , lines <u>5-6</u> page <u>20</u> , lines <u>8-18</u> <u>24</u> , lines <u>6-46</u>
17, 34, 45, 55	(2) Module was constructed separately from the shipping container.	Page <u>19</u> , line <u>21</u> <u>20</u> , line <u>48</u>
34	(3) module is placed in container after respiring biological material	page <u>20</u> , lines <u>8-18</u> <u>24</u> , lines <u>6-46</u>
45	(4) module is removed from container before respiring biological material	page <u>20</u> , lines <u>8-18</u> <u>24</u> , lines <u>6-46</u>
22, 35, 46, 60	(5) Flexible conduits	Page <u>27</u> , lines <u>11</u> , <u>13</u> & <u>28</u> <u>28</u> , lines <u>40</u> , <u>42</u> and <u>27</u>
18, 44, 54, 56	(6) Sensors and pressure-generating means	page <u>6</u> , lines <u>23-26</u> <u>6</u> , lines <u>48-49</u> , page <u>15</u> , lines <u>1-11</u> line <u>27</u> -page <u>46</u> , line <u>8</u>
25, 36, 47, 55	(7) ACM in module has an R ratio of at least 3.0	Page <u>13</u> , lines <u>2-3</u> <u>32-33</u>
23, 33, 38, 48	(8) ACM is a microporous film coated with a polymer, e.g., the ACM is a microporous film having a coating of an SCC polymer, and has a an oxygen P 10 ratio of at least 1.3	Page <u>13</u> , lines <u>3-5</u> and <u>29-31</u> <u>44</u> , lines <u>4-2</u> and <u>26-29</u>
25, 49, 59	(9) Primary closed chamber has two ACMs	Page <u>4</u> , lines <u>12-14</u> <u>6</u> , lines <u>40-46</u> , page <u>9</u> , lines <u>25-28</u> <u>10</u> , lines <u>24-25</u> , page <u>13</u> , lines <u>24-22</u> , page <u>15</u> , lines <u>23-25</u> <u>46</u> , lines <u>20-22</u> , page <u>49</u> , lines <u>15-31</u>
40, 50, 55	(10) Auxiliary closed chamber	page <u>15</u> , lines <u>12-13</u> <u>46</u> , lines <u>42-43</u> ,
26, 41, 51, 57	(11) Second ACM has R ratio of 1-2.3, e.g. 1	page <u>4</u> , lines <u>12-14</u> <u>6</u> , lines <u>40-44</u> , Page <u>13</u> , lines <u>12-47</u> , page <u>15</u> , line <u>17-21</u> <u>16</u> , lines <u>14-48</u> ,
42, 52, 58	(12) Second ACM is porous sheet with no polymer coating	Page <u>12</u> , lines <u>5-8</u> <u>13</u> , lines <u>1-6</u>
24, 43, 53, 56	(13) Multiple ACM-containing inner containers	Page <u>7</u> , lines <u>11-26</u> <u>8</u> , lines <u>8-24</u>

for example page 17, lines 14-16 ~~18, lines 11-13~~, page 19, lines 12-15 ~~20, lines 10-13~~, and page 21, lines 13-27 ~~22, lines 11~~ ~~page 23, line 10~~, of the substitute specification. The Office Action does not provide any rationale to support the assertion that it would have been obvious to modify Marcellin by placing the respiring
5 biological material in a plurality of sealed inner packages, each containing an ACM. There is nothing in Clarke or De Moor to suggest that one of ordinary skill in the art would have found it obvious to create the novel atmosphere control system which results when multiple ACM-containing containers are placed in a larger container which is itself subject to atmosphere control. Still less is there anything in Clarke or
10 De Moor to suggest taking this step in conjunction with Marcellin's disclosure. It is only with the benefit of hindsight that it is possible to make the allegation which supports the rejection of these claims.

The Provisional Double Patenting Rejections.

15 Since it is not clear what claims will be allowed in this application or in co-pending application 11/989,513, Applicant will give proper consideration to these rejections when it is clear what claims will be allowed in the two applications.

Conclusion

20 It is believed that this application is now in condition for allowance, and such action at an early date is requested. If, however, there are any remaining objections or rejections that could usefully be discussed by telephone, the Examiner is asked to
25 call the undersigned.

Respectfully submitted,



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